

DOCKET NO. 2021-3-E

)
)
)
)
)
)
)

The South Carolina Coastal Conservation League (“CCL”) and Southern Alliance for Clean Energy (“SACE”) (collectively, “Petitioners”) respectfully petition the Public Service Commission of South Carolina (“Commission”) to intervene in the above-captioned docket pursuant to R.103-825 of the Commission’s rules of practice and procedure. In support of this petition, Petitioners state as follows:

1. The Commission opened this proceeding pursuant to S.C. Code Ann. Section 58-27-865, which establishes the procedure for annual hearings for the Commission and all interested parties to review the fuel purchasing practices and policies of Duke Energy Carolinas, LLC (“DEC” or “Company”) and for the Commission and the Company to make adjustments as necessary.

2. S.C. Code Ann. Section 58-27-865 provides the procedure for review and recovery of fuel costs and of “incremental and avoided costs of distributed energy resource programs and net metering as authorized and approved under Chapters 39 and 40, Title 58[, which] shall be allocated and recovered from customers under a separate distributed energy component of the overall fuel factor that shall be allocated and

recovered based on the same method that is used by the utility to allocate and recover variable environmental costs.”

3. S.C. Code Ann. Section 58-39-140 of the South Carolina Distributed Energy Resource Act and Commission Order 2015-194 allow the Company to recover certain reasonable and prudent costs incurred to implement approved distributed energy resource (“DER”) programs, including certain costs related to net energy metering (“NEM”). Recoverable costs are capped in Section 58-39-150 “[f]or the protection of consumers and to ensure that the cost of DER programs do not exceed a reasonable threshold.”

4. Pursuant to the South Carolina Distributed Energy Resource Act and the Settlement Agreement approved by the Commission in Order No. 2015-194, the Company will also compute and update annually the “costs and benefits of net metering and the required amount of the DER NEM Incentive” coincident in time with the Utility’s filing under the fuel clause. Under S.C. Code Ann. Section 58-40-20(B) of the Energy Freedom Act and Order No. 2015-194, the DER NEM incentive will apply to customer-generators who apply for net metering prior to June 1, 2021, and will be available to these customers until May 31, 2029.

5. This Petition to Intervene is timely filed, as the Commission has established an intervention deadline of June 15, 2021, for this proceeding.

6. CCL is a nonprofit corporation organized under the laws of the State of South Carolina whose mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in its communities by working with individuals, businesses, and government to ensure balanced solutions. CCL and its

members support the development of energy policy that is in the public interest of South Carolinians. CCL has members in South Carolina who receive electricity service from DEC and will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of fuel costs and incremental and avoided costs of distributed energy resource programs and net metering. The principal address of CCL is 131 Spring Street, Charleston, South Carolina 29403.

7. SACE is a nonprofit organization whose mission is to promote responsible and equitable energy choices to ensure clean, safe and healthy communities throughout the Southeast. SACE and its members are interested in promoting greater reliance on clean energy resources to meet the South's energy needs. Like CCL, SACE has members who receive electricity service from DEC and will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of fuel costs and incremental and avoided costs of distributed energy resource programs and net metering. SACE's principal address is P.O. Box 1842, Knoxville, Tennessee 37901. SACE also has offices in Georgia and North Carolina, and in-state staff in Florida and South Carolina.

8. Petitioners have participated as interveners in multiple Commission proceedings relating to the implementation of the South Carolina Distributed Energy Resource Act, including Docket Nos. 2014-246-E, 2015-53-E, 2015-54-E, 2015-55-E, 2015-203-E, 2015-204-E, 2015-205-E, 2015-362-E, 2016-1-E, 2016-2-E, 2016-3-E, 2017-1-E, 2017-2-E, 2017-3-E, 2018-1-E, 2018-2-E, 2018-3-E, 2019-1-E, 2019-2-E, 2019-3-E, 2020-1-E, 2020-2-E, and 2020-3-E.

9. Petitioners and their members have direct and substantial interests that will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of fuel costs and incremental and avoided costs of distributed energy resource programs and net metering, and their interests cannot be adequately addressed by any other party. Petitioners seek to ensure that DEC's fuel purchasing practices and policies result in the lowest reasonable costs to customers and that the Company's fuel costs are just and reasonable. Petitioners also seek to ensure a full and proper valuation of NEM generation and appropriate cost recovery consistent with the Settlement Agreement approved in Docket No. 2014-246-E that will accurately reflect and support an effective and diversified portfolio of distributed energy resources and lead to cleaner, safer, and healthier communities for all South Carolinians. Petitioners' support for these policies and involvement in this proceeding will promote their members' interests as well as the broader public interest.

10. Pursuant to R. 103-804(T) of the Commission's Rules of Practice and Procedure, the Petitioners are represented by counsel in this proceeding:

Kate Lee Mixson
Southern Environmental Law Center
525 Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 414-7039

Emma C. Clancy
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 414-7039

WHEREFORE, Petitioners pray that they be allowed to intervene as a party of record and participate fully in this proceeding.

Respectfully submitted this 14th day of June, 2021.

/s/ Kate Lee Mixson

SC Bar No. 104478

Southern Environmental Law Center

525 East Bay Street, Suite 200

Charleston, SC 29403

Telephone: (843) 720-5270

Fax: (843) 414-7039

/s/ Emma C. Clancy

SC Bar No. 105051

Southern Environmental Law Center

525 East Bay Street, Suite 200

Charleston, SC 29403

Telephone: (843) 720-5270

Fax: (843) 414-7039

*Attorneys for Petitioners South Carolina
Coastal Conservation League and
Southern Alliance for Clean Energy*

CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via first class U.S. Mail or electronic mail with a copy of the *Petition to Intervene* of the South Carolina Coastal Conservation League and Southern Alliance for Clean Energy.

Andrew M. Bateman, Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
abateman@ors.sc.gov

Carri Grube Lybarker, Counsel
S.C. Department of Consumer Affairs
Post Office Box 5757
Columbia, South Carolina 29250
clybarker@scconsumer.gov

Christopher M. Huber, Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
chuber@ors.sc.gov

Heather Shirley Smith, Dep. General Counsel
Duke Energy Carolinas, LLC
40 West Broad Street, Suite 690
Greenville, South Carolina 29601
Heather.smith@duke-energy.com

Katie M. Brown, Counsel
Duke Energy Progress, LLC
40 West Broad Street, DSC 556
Greenville, South Carolina 29601
Katie.brown2@duke-energy.com

Rebecca J. Dulin, Counsel
Duke Energy Carolinas, LLC
1201 Main Street, Suite 1180
Columbia, South Carolina 29201
Rebecca.dulin@duke-energy.com

Roger P. Hall, Assistant Consumer Advocate
S.C. Department of Consumer Affairs
Post Office Box 5757
Columbia, South Carolina 29250
rhall@scconsumer.gov

Samuel J. Wellborn, Counsel
Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, South Carolina 29211
swellborn@robinsongray.com

Scott Elliott, Counsel
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, South Carolina 29201
selliott@elliottlaw.us

This 14th day of June, 2021.

/s/ Emma C. Clancy